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October 5, 2020

VIA ECF

Hon. J. Paul Oetken, U.S.D.J.
Thurgood Marshall
United States Courthouse
Southern District of New York
40 Foley Square, Room 2101
New York, New York 10007

Re: Hines v. Roc-a-Fella Records, Inc.. et al., No. 19-cv-4587 (JPO) (“Hines I”)
Hines v. EMI April Music, Inc., et al. No. 20-CV-03535 (JPO) (“Hines II”)

Dear Judge Oetken:

We are counsel to certain defendants (“Defendants”) in the above-captioned actions. We respectfully submit this letter in opposition to Plaintiff Ernie Hines’ October 2, 2020 letter request, seeking to stay these matters for an additional 45 days while he continues to attempt to locate new counsel. *See* Ex. A, letter from Mr. Hines, enclosed hereto (the “Letter”).

In the Letter, Mr. Hines states that he has been diligently looking for, but admittedly has not been successful in, finding new counsel. He seeks an additional 45 days to locate new counsel. These actions have been stayed since the beginning of July. Mr. Hines was originally granted 60 days and then an additional 30 days to obtain new counsel. There is no reason offered as to how an additional 45 days will accomplish his goal, given the circumstances of this matter discussed below.

Mr. Hines’ prior counsel, Christopher Brown, withdrew from this matter following Defendants’ demonstration to him that Mr. Hines’ claims for copyright infringement are meritless and any potential damages recovery would be wholly *de minimis*, potentially subjecting him and Mr. Hines to sanctions under Federal Rule of Civil Procedure 11 and 28 U.S.C. § 1927. It is clear that any potential counsel cognizant in these matters and reviewing the communications that Defendants provided to Mr. Brown came to the same conclusion, and that is the reason why Mr. Hines is unable to locate any counsel.¹

¹ Enclosed herewith as Ex. B – C are letters sent to Christopher Brown setting forth these matters in far more detail.



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In fact, Mr. Hines is, by his own admissions, being assisted in the pursuit of these actions by his agent, who is a sophisticated person in the music business. We are confident that this agent has been assisting Mr. Hines in his effort to locate counsel, to no avail, further demonstrating that more time will not cure the reason for his inability to find new counsel.

Defendants respectfully submit that Mr. Hines should be required to proceed with these actions, so that Defendants may move to final resolution thereon.² Accordingly, this Court should deny Mr. Hines' request for an extension and lift the stay.

Respectfully,

/s/ Christine Lepera

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cc: Ernie Hines, via email and U.S. mail

² The only outstanding action in *Hines I* is the pending Motion to Alter or Amend the Judgment pursuant to Rules 59 and 60 of the Federal Rules of Civil Procedure and Local Civil Rule 6.3, brought by Defendants Roc-A-Fella Records, LLC and Def Jam Recordings, a division of UMG Recordings, Inc. and joined by Defendant Sony Music Entertainment, seeking to be dismissed with prejudice based on the Court's prior Order. *See Hines I*, ECF Nos. 94, 116-118.